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Letter dated 6 April 2009 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council

It has been almost a year since Eritrea breached international law, illegally moved into our territory, and occupied Ras Doumeira and Doumeira Island. That led to the serious military clashes that occurred along the frontier on 10 and 11 June 2008, and resulted in deaths, dozens wounded and prisoners taken. Consistent with international humanitarian law, Djibouti collaborated with the International Committee of the Red Cross and the Red Crescent Society and provided information relating to Eritrean soldiers in our custody (dead, wounded, prisoners). We have yet to hear anything on this from Eritrea. Our strenuous efforts and offer for the exchange of prisoners have been rejected.

Expressing its serious concern about these incidents, the Security Council, by its presidential statement of 12 June 2008 (PRST/2008/20), "condemns Eritrea's military action" and "calls upon the parties to commit to a ceasefire and urges both parties, in particular Eritrea, to show maximum restraint and withdraw its forces to the status quo ante". My country heeded the Council's call and withdrew its forces to the status quo ante.

In its statement to the press of 25 June 2008, the Council expressed regret that "Eritrea has not answered the calls sent by the 12 June presidential statement"; and members of the Council further reiterated "their call to the parties, in particular Eritrea, to withdraw its forces to the status quo ante".

The Security Council decided on 25 June 2008 to dispatch a fact-finding mission to the region to ascertain the prevailing situation, including a visit to Doumeira, to meet with the regional organizations and United Nations country teams. Unfortunately, the mission found it impossible to engage Eritrea, as its report indicates: "In spite of several discussions and requests in New York and Asmara, the Eritrean authorities refused to issue visas to the mission". Missions from several regional organizations (African Union, Inter-Governmental Authority on Development, League of Arab States, Organization of the Islamic Conference, African, Caribbean and Pacific Group of States) that visited Djibouti and the border area were not successful in visiting Eritrea. Eritrea also rejected offers of assistance for a peaceful resolution of the dispute from the European Union and friendly and neighbouring countries. As the report of the fact-finding mission makes abundantly clear, the cooperation and facilitation of my country's authorities were crucial to accomplishing its mandate.

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We have consistently demonstrated our persistent and keen interest in the peaceful resolution of this crisis. We have left no stone unturned in our quest for enduring peace and stability in our region. However, in the absence of an Eritrean demilitarization of the border area and a return to the status quo ante, not much would be achieved in terms of a negotiated political solution (see annex, "Situation in Doumeira").

It was against that backdrop that the Council unanimously adopted its resolution 1862 (2009) on 14 January 2009, demanding Eritrea to implement, within a specific time frame, three key issues. In less than 24 hours, however, Eritrea rejected the resolution with the usual polemical arguments and political rhetoric. The letter of the Secretary-General dated 30 March, addressed to the President of the Security Council (S/2009/163), unambiguously states that Eritrea has not complied with paragraph 5 of Security Council resolution 1862 (2009); and that efforts to engage Eritrea by dispatching a high-level official to Eritrea and the region "have yet to produce results".

Unwittingly perhaps, within a letter of only two-and-a-half pages, Eritrea's repeated denials, rebuffs and refusals are widely quoted. Sadly, however, nothing is mentioned about Eritrea's intolerable pattern of behaviour, its deliberate, dilatory tactics, and its utterly misleading and reckless utterances. Strangely enough, the letter also refers to a statement by Eritrea that implies a parallel of this conflict with that of Ethiopia-Eritrea. Precisely that is what Eritrea wants. Nothing can be further from the truth. In addressing the Council on 23 October 2008, my President had this to say: "I wish also to caution members of the Council to be very careful about the notion that there is a possible connection between this dispute and the Ethiopia/Eritrea conflict. If there is any such connection, it is the fact that Eritrea is the *common factor* in both conflicts; and for that matter, in all the conflicts in the Horn of Africa region. So, it is not only unhelpful but certainly unwise to suggest such a linkage that would only help Eritrea to get entrenched, more and more, in more conflicts in the region, and to pursue its unbridled adventurism".

Two and a half months have elapsed since the adoption of resolution 1862 (2009). Although we were fully aware of Eritrea's rejection of the resolution on day one, the time was allowed to run its full course. The good offices of the Secretary-General have been deployed since summer last year to defuse the tension and bring about a resolution of the dispute. However, Djibouti seems to be the only party to the conflict that has an unfailing interest in the good offices of the Secretary-General. For us this has been a matter of the utmost priority and continues to be so.

Our understanding is that the Secretary-General seeks still more time to work towards the implementation of the Council resolution. Obviously, we are very sceptical due to Eritrea's utter intransigence so far and its inexplicable pattern of behaviour. Eritrea should not be allowed to disregard the decision of the Council with impunity. It has already enjoyed a disproportionate amount of grace period. This must not be open-ended, for the sake of justice and for the sake of regional peace and security.

Finally, I wish to emphasize that the urgent implementation of resolution 1862 (2009) is expected. Also, the Council should be able to make an appropriate decision. We trust the judgement of the Council on any request for further delay. In the meantime, pending a final report by the Secretary-General, Djibouti does not see

the need for any statement, as such an action would tend to compromise the significance and integrity of the resolution.

I would be grateful if the present letter and its annex could be circulated as a document of the Security Council.

(*Signed*) Roble **Olhaye**

Annex to the letter dated 6 April 2009 from the Permanent Representative of Djibouti to the United Nations addressed to the President of the Security Council

Situation in Ras Doumeira and Doumeira Island[1]

The Eritrean occupation forces in the region of Doumeira have made some new improvements that are large enough to help one comprehend their intentions to establish permanent military facilities in Ras Doumeira and Doumeira Island.

The Eritreans have constructed on the island a barrack consisting of a row of six buildings and a bunker for the protection of soldiers, a camouflage as well as a working space.

A natural pier on the Island has also been altered to suit the docking needs of speed boats equipped with guns of different calibres.

With regard to the promontory of Ras Doumeira, the Eritrean forces have carried out some excavation work of two tracks for the movement of military vehicles and for the delivery of heavy logistics such as armoured vehicles and engine boats for the navy, which has installed a residential complex on this part of the national territory.

NB: Doumeira Island is situated on the Red Sea, overlooking the Bab el-Mandeb Strait, one of the busiest shipping lanes in the world. The militarization of this key, strategic maritime route does not augur well for peace in the region or for international shipping and investment.

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[1] Latest information on the occupied territories as corroborated by aerial reconnaissance.